

AF HIFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: PEMBERTON ET AL.

Serial No.: 10/734,461

Filed: 12/12/2003

Title: METHOD AND DEVICE FOR PREVENTING PETS FROM CLAWING
HOME FURNISHINGS

Examiner: Mark A. Osele

Art Unit: 1734

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

1. Request For Information Under 37 C.F.R. 1.104(d)2;
2. Transmittal letter (in duplicate);
3. Certificate of Mailing by First Class Mail; and
4. A postcard receipt.

relating to the above application, were deposited as First Class Mail with the United States Postal Service, addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **March 9, 2007**.



Mailer



Schultz & Associates, P.C.

INTELLECTUAL PROPERTY ATTORNEYS



March 9, 2007

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U. S. Continuation Patent Application No. 10/734,461
"Method and Device for Preventing Pets from Clawing Home Furnishings"
Atty. Docket: 31960.0104

Sir:

Enclosed for filing are the following documents:

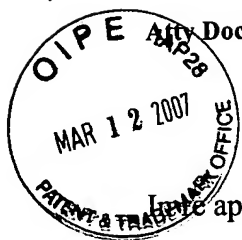
1. Request For Information Under 37 C.F.R. 1.104(d)2;
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The Commissioner is hereby authorized to charge any underpayment of fees, or credit any overpayment, to Deposit Account No. 50-2225.

Very truly yours,


George "Russ" Schultz

GRS:kn
Enclosure



Patent Docket: 31960.0104

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Inventor application of: PEMBERTON ET AL.

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REQUEST FOR INFORMATION under 37 C.F.R. 1.104(d)2

This Request for Information is submitted in response to the Final Rejection Office Action of September 25, 2006. Applicant has diligently read and studied the Office Action and the references cited.

The Examiner rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over a reference cited as Avery Index Maker Packaging of *Avery Dennison* in combination with several other references. When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible and the reference must be supported when called for by the applicant. Applicant respectfully requests an affidavit supporting the Examiner's position that the product cited above was made publicly available previous to more than one year before the filing date of the application from which the instant application derives priority.